

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALEJANDRO CABRAL-GABRIEL,

Plaintiff,

v.

CLARK COUNTY DETENTION CENTER,
et al.,

Defendants.

Case No. 2:25-cv-00595-GMN-BNW

**ORDER DISMISSING AND CLOSING
CASE**

Plaintiff Alejandro Cabral-Gabriel brings this civil-rights lawsuit under 42 U.S.C. § 1983 to redress constitutional violations that he allegedly suffered while detained at Clark County Detention Center. (ECF No. 1-1). On April 9, 2025, the Court ordered Cabral-Gabriel to either pay the full \$405 filing fee or file a complete application to proceed *in forma pauperis* on or before May 9, 2025. (ECF No. 3). That deadline expired without any response by Cabral-Gabriel.

I. DISCUSSION

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. *See Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on

1 their merits; and (5) the availability of less drastic alternatives. *See In re Phenylpropanolamine*
2 *Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130).

3 The first two factors, the public's interest in expeditiously resolving this litigation and the
4 Court's interest in managing its docket, weigh in favor of dismissal of the plaintiff's claims. The
5 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a
6 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading ordered
7 by the court or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).
8 The fourth factor—the public policy favoring disposition of cases on their merits—is greatly
9 outweighed by the factors favoring dismissal.

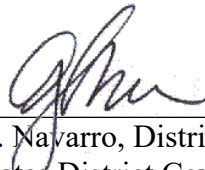
10 The fifth factor requires the Court to consider whether less drastic alternatives can be used
11 to correct the party's failure that brought about the Court's need to consider dismissal. *See Yourish*
12 *v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic
13 alternatives *before* the party has disobeyed a court order does not satisfy this factor); *accord*
14 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts “need not exhaust every
15 sanction short of dismissal before finally dismissing a case, but must explore possible and
16 meaningful alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because
17 this Court cannot operate without collecting reasonable fees, and litigation cannot progress without
18 Cabral-Gabriel's compliance with the Court's orders, the only alternative is to enter a second order
19 setting another deadline. But repeating an ignored order often only delays the inevitable and
20 further squanders the Court's finite resources. The circumstances here do not indicate that this
21 case will be an exception.

22 Setting another deadline is not a meaningful alternative given these circumstances. So, the
23 fifth factor favors dismissal. Having thoroughly considered these dismissal factors, the Court finds
24 that they weigh in favor of dismissal.

1 **II. CONCLUSION**

2 **IT IS HEREBY ORDERED** that this action is dismissed without prejudice based on the
3 plaintiff's failure to address the matter of the filing fee in compliance with the Court's order. The
4 Clerk of Court is kindly directed to enter judgment accordingly and close this case. No other
5 documents may be filed in this now-closed case. If Alejandro Cabral-Gabriel wishes to pursue his
6 claims, he must file a complaint in a new case and address the matter of the filing fee.

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8 **DATED** this 16 day of May, 2025.

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11 Gloria M. Navarro, District Judge
12 United States District Court
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